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EXAMINER

TRAN, HENRY N

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,200

Applicant(s)

PALMER ET AL.

Examiner

Henry N. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment received October 3, 2005 has been fully considered; and this Office action is in response thereto.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al (U.S. Patent No. 6,343,264, hereinafter referred to as "Fenton") in view of Krinsky (U.S. Patent No. 6,354,212).

3. Regarding claim 1, Fenton discloses a method of applying a decorative element to a window covering (window and wall coverings, column 2, lines 38-40), the method comprising the steps of: providing decorative element data (color, column 2, lines 28-50); applying the decorative element according to the decorative element data to the window covering in a retail store (customer shopping, column 1, lines 65-66).

However, Fenton does not teach the step of physically applying the decorative element to the window covering.

Krinsky teaches the step of physically applying the decorative element to the window covering (see col. 1, lines 58-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a printer for physically printing a decorative design pattern as taught by Krinsky in the Fenton system because this would provide an improved system for effectively and quickly producing selected decorative wall paper specified by a customer from a display within a short period of time (see Krinsky, col. 1, lines 37-40). By this rationale, claim 1 is rejected.

4. Re claim 2, Fenton further teaches that the decorative element is one of a color, image, pattern, and texture (color, column 2, lines 28-50).

5. Re claim 3; Fenton further teaches the step of providing decorative element data including selecting the decorative element from a database (product information database allows user selection, column 6, lines 6-17).

6. Re claim 4, Fenton further teaches the step of providing decorative element data including scanning a sample provided by a customer (scanner, column 4, lines 65-67).

7. Re claim 5, Fenton further teaches the step of providing decorative element data including reading an electronic file provided by the user (computer hard drive, column 4, lines 10-11).

8. Re claim 6, Fenton further teaches the step of displaying the decorative element including applying to the window covering on a monitor (a large graphic display monitor 16, column 4, lines 4-5).

9. Re claim 7, Krinsky further teaches the step of physically applying the decorative element including printing the decorative element onto a portion of the window covering to the window covering (see col. 1, lines 58-60).

10. Re claim 16, Fenton teaches a system 30 for applying a decorative element to a window covering in a retail location, the system comprising: a computer device 32 configured to store and recall a decorative element data (Fenton computer 32 having graphics programs configured to store and recall a decorative element; see col. 2, lines 38-40; col. 2, line 64 to col. 3, line 1; col. 4, lines 8-18; and col. 7, lines 60-66). Krinsky teaches the use of a printer, e.g., an ink-jet printer, coupled to a computer and configured to print a selected decorative element onto window covering (see col. 4, lines 45-50). Claim 16 is therefore rejected.

11. Re claim 17, Fenton further teaches the use of a scanner 36 configured to spectrophotometrically measure a color sample (see col. 7, lines 66-67; and col. 8, lines 36-54).

12. Re claim 18, Fenton teaches a system 30 for applying a decorative element to a window covering in a retail location, the system comprising: a computer device 32 (see col. 7, lines 60-66); window covering data to display images of the selected decorative element applied to the window covering; means for user selection of a window covering sample; and a program for mapping the selected decorative element onto appropriate portions of an image of the selected window covering sample for providing a visual image of the selected decorative element on the selected window covering sample to the user (e.g., the computer color family palettes are used as a means for a customer to select a color, which is then superimposed by a computer graphics program, such as PhotoShop, on a window covering sample presented on the computer screen for the customer to see (see col. 4, lines 13-18; col. 5, lines 47-55; col. 6, lines 6-17, lines 49-50 and lines 66-67; col. 7, line 60 to col. 8, line 35). Krinsky teaches the use of a printer coupled to a computer and configured to print a selected decorative element onto window covering (see col. 4, lines 45-50).

Claim 18 is therefore rejected.

13. Re claim 19, Krinsky further teaches that the computer is coupled to a network or an Internet server so that decorative element data from a remote location is searchable or recallable; see col. 4, lines 11-27.

14. Re claims 20-27, Fenton and Krinsky teach generally all the claim limitations discussed above. Fenton further teaches a rendering program (a graphics software such as PhotoShop) for rendering decorative elements chosen by the user (see col. 4, lines 13-18). Krinsky further teaches the use of a printer, such as the ink-jet printer, which includes a magazine, which is an inherent element “paper feeder trays”, for feeding a paper substrate; and a curing apparatus, which is an inherent “air blower”, for curing the selected decorative element printed (they are inherent elements available in the ink-jet printer) (see col. 4, lines 46-50). Claims 20-27 are therefore rejected based on the same reasons set forth in claims 16-19, and by the reasons noted above.

15. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ringland et al (US Patent 6,122,391, hereinafter referred to as “Ringland”) in view of Krinsky (U.S. Patent No. 6,354,212).

16. Re claim 8, Ringland et al. discloses a method for applying a decorative element to a window covering, the method comprising the steps of: providing a searchable data compilation of decorative elements on a storage device (database on CD-ROM, column 12, lines 55-56); displaying available decorative elements to a customer (GUI module, column 15, lines

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45-46); obtaining a selection from the user (Graphical User Interface, column 15, lines 35-36), the selection comprising at least one of the decorative elements contained in the data compilation (steps 408/410 shown in figure 4); displaying images of the selected decorative element applied to the window covering (display color on monitor, column 6, lines 6-7); applying the selected decorative element to the window covering (customer chooses panel and confirms selection matching panel to fabric samples, column 7, lines 48-51).

However, Ringland does not teach the step of: physically applying the decorative element to the window covering.

Krinsky teaches the step of physically applying the decorative element to the window covering (see col. 1, lines 58-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a printer for physically printing a decorative design pattern as taught by Krinsky in the Ringland system because this would provide an improved system for effectively and quickly producing selected decorative wall paper specified by a customer from a display within a short period of time (see Krinsky, col. 1, lines 37-40). By this rationale, claim 8 is rejected.

17. Re claims 9-15, Ringland further teaches that the selected decorative element is one of color, an image, a pattern, a texture (pattern, column 20, lines 58-60) (claim 9); wherein the selected decorative element is applied to the window covering in a retail store customer chooses panel and confirms selection matching panel to fabric samples (see col. 7, lines 48-51, this implies location in a retail store is inherent) (claim 10); the step of scanning a sample (scanner, column 6, lines 49-51) (claim 11); the step of accessing a file containing the searchable data compilation image file on CD-ROM, column 7, lines 62-64) (claim 12); step of storing the

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searchable data compilation on a removable storage medium (database on CD-ROM, column 12, lines 55-56) (claim 13); wherein the removable storage medium is a CD-ROM (column 14, lines 12-16) (claim 14); and wherein the step of displaying images includes rendering at least one decorative material onto a computer model of the window covering (render/visualization module 340 in Fig. 3, rendering engine providing selected materials in a room image, column 18, lines 36-39, system can provide image of typical room, column 18, lines 14-16, this corresponds to the claimed computer model, render 810 shown in figure 8) (claim 15). Claims 9-15 are therefore rejected on the same reasons set forth for claim 8, and by the reasons noted above.

Response to Arguments

18. Applicants' amendments to the Specification and the drawings have overcome the objection to the drawings and rejection under 35 U.S.C. 112, second paragraph, as recited in the prior Office action.

19. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

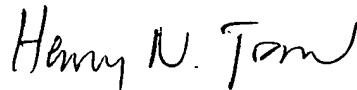
Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry N. Tran whose telephone number is 571-272-7760. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Henry N. Tran". The signature is fluid and cursive, with the first name "Henry" and last name "Tran" clearly distinguishable.

Henry N Tran
Primary Examiner
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12/5/05
HT